

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION
4:17-CR-5-FL-1

UNITED STATES OF AMERICA

v.

SANJAY KUMAR,

Defendant.

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ORDER

The court held a hearing yesterday on defendant's *pro se* letter motion for appointment of counsel (D.E. 496, p. 4) and the subsequent notice filed by defendant's counsel, Deborah L. Newton (D.E. 497, ¶¶ 3, 4), stating that in a telephone conversation with defendant after the filing of his letter he wanted her to remain as his counsel.¹ At the hearing, the court heard from defendant, Attorney Newton, and counsel for the government.

As announced at the hearing, the court finds that defendant does not presently wish to terminate Attorney Newton, and she remains his attorney. Defendant's motion for appointment of counsel is therefore DENIED as MOOT.

To facilitate preparation by Attorney Newton of the objections to the Presentence Investigation Report ("PSR") she is preparing, which must be filed by 1 July 2020 (*see* D.E. 479, p. 3 no. 3), and to otherwise facilitate Attorney Newton's representation of defendant, it is ORDERED as follows:

1. Attorney Newton shall meet with defendant as soon as practicable, but in no event later than Monday, 22 June 2020, to obtain from him the additional information she stated at the hearing she needs to complete the draft objections. The court encourages defendant to provide

¹ Attorney Newton further stated that defendant would write to the court *pro se* requesting withdrawal of his motion for appointment of new counsel (D.E. 497, ¶ 4), but he made no such filing.

Attorney Newton all the information she requests to better enable her to protect his interests with respect to sentencing.

2. Attorney Newton shall provide to defendant as soon as practicable, but in no event later than Saturday, 20 June 2020, a copy of the draft objections she has prepared. The draft objections shall constitute, and be subject to the provisions regarding, case-related materials in the Supplemental Protective Order (D.E. 434).

3. Attorney Newton shall meet with defendant to obtain his comments on the draft objections to the PSR no later than Monday, 29 June 2020. To the extent practicable, Attorney Newton shall also obtain at this meeting any comments defendant has on any changes she has made to the draft objections subsequent to her provision of the copy to him pursuant to paragraph 2 above.

4. In lieu of any of the meetings provided for herein, Attorney Newton and defendant may confer by telephone if they both agree to do so.

5. Within two days of a document being filed in the instant case, Attorney Newton shall serve a copy of the document(s) on defendant and file a certificate of such service.

6. Because the terms in paragraph 2 above relate to activities in the present jail facility, the Clerk's Office is DIRECTED to serve as soon as practicable a copy of this Order on the U.S. Marshal for this district. The U.S. Marshals Service in this district shall provide a copy of this Order to the appropriate official(s) at the present jail facility.

This 18th day of June 2020.


James E. Gates
United States Magistrate Judge